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Section
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PATENT

Attorney Docket No.: SCRIP1300-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Harper et al. Art Unit: 1645
Application No.: 09/938,842 Examiner: Unassigned
Filed: August 24, 2001
Title: STRESS-REGULATED GENES OF PLANTS, TRANSGENIC PLANTS
CONTAINING SAME, AND METHODS OF USE

BOX MISSING PARTS

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed October 29, 2001, enclosed are:

1. One (1) copy of the Notice to File Missing Parts of Nonprovisional Application (6 pages);
2. One (1) executed Declaration For Patent Application (5 pages);
3. Two (2) Powers of Attorney by Assignee (4 pages);
4. Statement Under 37 CFR §§ 1.821(f) and (g) (1 page);
5. One (1) CRF Disk;
6. Check No. 497030 in the amount of \$2,688.00; and
7. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, December 31, 2001, in an envelope addressed to: Box MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231.	
<u>Aldon Griffis</u> (Name of Person Mailing Paper)	
<u>Aldon Griffis</u> (Signature)	December 31, 2001 (Date)

In re Application of:
Harper et al.
Application No.: 09/938,842
Filed: August 24, 2001
Page 2

PATENT
Attorney Docket No.: SCRIP1300-3

Applicants claim large entity status in the above-identified application.

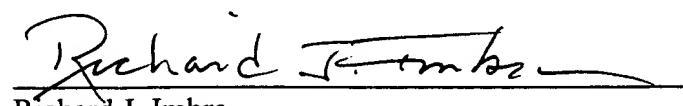
The filing fee has been calculated as follows.

	Number Filed		Number Extra		Rate			Fee	
					Small Entity	Large Entity		Small Entity	Large Entity
Total Claims	79-20	=	59	X	\$09	\$18	=	\$.00	\$1,062.00
Independent Claims	12-3	=	9	X	\$42	\$84	=	\$.00	\$ 756.00
Multiple Dependent Claims Presented:	Yes	<input checked="" type="checkbox"/>	No		\$140	\$280		\$.00	\$.00
					BASIC FEE		\$.00	\$ 740.00	
					TOTAL FEE		\$.00	\$2,558.00	

Enclosed is Check No. 497030 in the total amount of \$2,688.00; which consists of \$740.00 for the filing fee; \$1,062.00 for 50 additional total claims over 20 claims; \$756.00 for 9 additional independent claims over 3 independent claims; and \$130.00 for the surcharge fee. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: December 31, 2001


Richard J. Imbra
Registration No.: 37,643
Telephone: (858) 677-1496
Facsimile: (858) 677-1465

USPTO CUSTOMER NUMBER 28213
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133



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WASHINGTON, D.C. 20231
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H

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/938,842	08/24/2001	Jeffrey F. Harper	SCRIP1300-3

CONFIRMATION NO. 1099

FORMALITIES LETTER



OC000000006990942

Lisa A. Haile, J.D., Ph.D.
GRAY CARY WARE & FREIDENRICH LLP
Suite 1600
4365 Executive Drive
San Diego, CA 92121-2189

Date Mailed: 10/29/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

02/04/2002 BABRAHA1 00000012 09938842

01 FC:101 740.00 0P
02 FC:105 130.00 0P
03 FC:103 1062.00 0P
04 FD:102 720.00 0P

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- o The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- o Total additional claim fee(s) for this application is \$1782.
 - \$1062 for 59 total claims over 20.
 - \$720 for 9 independent claims over 3 .
- o The oath or declaration is unsigned.
- o To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- o **The balance due by applicant is \$ 2622.**

- o A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216

- To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
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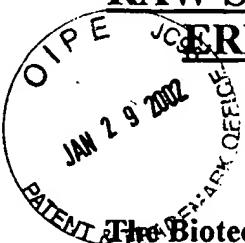
B/S
A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10/29
**RAW SEQUENCE LISTING
ERROR REPORT**



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/938,842 COPY OF PAPERS
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Source: OIP E
Date Processed by STIC: 9/13/2001

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:
<http://www.uspto.gov/web/offices/pac/checker>



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RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/938,842

DATE: 09/13/2001

TIME: 16:32:16

Input Set : N:\paola\09938842.txt

Output Set: N:\CRF3\09132001\I938842.raw

Does Not Comply
Corrected Diskette Needec

1 <110> APPLICANT: Harper, Jeff
 2 Kreps, Joel
 3 Wang, Xun
 4 Zhu, Tong

6 <120> TITLE OF INVENTION: STRESS-REGULATED GENES OF PLANTS, TRANSGENIC PLANTS
 CONTAINING SAME, AND *methods*

7 METHODS OF USE

9 <130> FILE REFERENCE: SCRIP1300-3

DC 11 <140> CURRENT APPLICATION NUMBER: US/09/938,842

11 <141> CURRENT FILING DATE: 2001-08-24

11 <150> PRIOR APPLICATION NUMBER: US 60/227,866

W--> 12 <151> PRIOR FILING DATE: 2000-08-24 2000-08-24

14 <150> PRIOR APPLICATION NUMBER: US 60/264,647

W--> 15 <151> PRIOR FILING DATE: 2001-1-16 2001-01-16

17 <150> PRIOR APPLICATION NUMBER: US 60/300,111

W--> 18 <151> PRIOR FILING DATE: 2001-6-22 2001-06-22

20 <160> NUMBER OF SEQ ID NOS: 5379

use this date format

ERRORED SEQUENCES

15509 <210> SEQ ID NO: 304

15510 <211> LENGTH: 421

15511 <212> TYPE: DNA

15512 <213> ORGANISM: Arabidopsis thaliana

15514 <220> FEATURE:

15515 <221> NAME/KEY: N_region

15516 <222> LOCATION: (3)..(3)

15517 <223> OTHER INFORMATION: n = any nucleotide

15519 <400> SEQUENCE: 304

Slashes are involved

E--> 15520 *ncgi* tgg ctttcgagcg gccgccccgg cagtgaaccc acctttatta ccatteagggt
 E--> 15522 ttcaagaccc aggtgagatg atgactcttga gaagatata ttctgtata tccccaaagt
 E--> 15524 tcattgaagg gcttaccctt gaagtttcaa ttgttcacgc agcgagaaaa ctggcgtatt
 E--> 15526 tgatttagact tccaactgtat gaaccccggt ttaaggtcgg aatcaggttgg tttgtctaaat
 E--> 15528 ctgctgttga ttcaattgtt ttacttcaga gcaatctaac caaggttttg tctgggttctt
 E--> 15530 gatctccgtt tggtttgctt tggagatataa ttgcgttccg tatgaaagac aaatggggag
 E--> 15532 tgtccctttg tatcctttat tggatatatcc ttgttattaaa aaaaaaaaaaaa aaaaaaaaaaaa
 E--> 15534 a

89510 <210> SEQ ID NO: 1784

89511 <211> LENGTH: 467

89512 <212> TYPE: DNA

89513 <213> ORGANISM: Arabidopsis thaliana

89515 <220> FEATURE:

89516 <221> NAME/KEY: N_region

89517 <222> LOCATION: (3)..(3)

89518 <223> OTHER INFORMATION: n = any nucleotide

89520 <400> SEQUENCE: 1784

E--> 89521 *ncgi* att gggtttacag tttactagac cagatgtggg ggggtttggg tacaaaaggg

60
120
180
240
300
360
420
421

657
1 nos.
off

60
657

same error

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/938,842

DATE: 09/13/2001
TIME: 16:32:24

Input Set : N:\paola\09938842.txt
Output Set: N:\CRF3\09132001\I938842.raw

E--> 89523	ccagacttgt	tttcaagtt	gcaaaatgga	aaaactgatc	agcaggcggg	ataggacggg	120
E--> 89525	gctggccac	aggctacagc	ctacagggtt	atcatacata	cctaaaacct	ataatcagtt	180
E--> 89527	taggcagata	tagtagcctt	acaagttaga	actatctcaa	ttcataagtc	ccaagtccct	240
E--> 89529	aaggccctcct	ttgeccatggc	tctttgtgaa	actagcactt	taagataatc	gcattttctc	300
E--> 89531	tcatctcctt	gggcctctca	caaactaaat	tttgtggca	acttcaatct	tggtttctag	360
E--> 89533	tatatgtgca	aagatattaa	aatcagtata	aaatttagtta	gtgttagtat	ttggagttta	420
E--> 89535	taaatttaaa	aatatctact	acttcaatca	aaagtcgacg	cggccgc		467

123106 <210> SEQ ID NO: 2469

123107 <211> LENGTH: 245

123108 <212> TYPE: DNA

123109 <213> ORGANISM: Arabidopsis thaliana

123111 <220> FEATURE:

123112 <221> NAME/KEY: N_region

123113 <222> LOCATION: (3)..(3)

123114 <223> OTHER INFORMATION: n = any nucleotide

123116 <400> SEQUENCE: 2469

E--> 123117	ncgi	tcg	agcgccgcc	cggcaggta	ccaaaccgga	aaatacagtc	tcatacttt
E--> 123119	aagttttct	gtttcagagt	aagagatgac	tgctttcct	cctcttgg	aggaaaccat	
E--> 123121	cttctccact	taatttccat	aatttcctt	ctttagga	gttacgactc	cactttttt	
E--> 123123	cttcttgtaa	tgtttctcta	tttaaaaaaa	acccaaaaaa	aaaaaaaaaa	aaaaaaaaaa	
E--> 123125	aaaaaa						

h o s.
J dh

① 57
60
120
180
240
245

same error



Use of n and/or Xaa has been detected in the Sequence Listing.
Review the Sequence Listing to insure a corresponding explanation is presented in the <220> to <223> fields of each sequence using n or Xaa.

VERIFICATION SUMMARY
PATENT APPLICATION: US/09/938,842

DATE: 09/13/2001
TIME: 16:32:49

Input Set : N:\paola\09938842.txt
Output Set: N:\CRF3\09132001\I938842.raw

L:11 M:270 C: Current Application Number differs, Replaced Current Application No
L:11 M:271 C: Current Filing Date differs, Replaced Current Filing Date
L:12 M:256 W: Invalid Numeric Header Field, Wrong Prior FILING DATE:YYYY-MM-DD
L:15 M:256 W: Invalid Numeric Header Field, Wrong Prior FILING DATE:YYYY-MM-DD
L:18 M:256 W: Invalid Numeric Header Field, Wrong Prior FILING DATE:YYYY-MM-DD
L:15520 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:304
L:15520 M:254 E: No. of Bases conflict, LENGTH:Input:60 Counted:58 SEQ:304
L:15520 M:320 E: (1) Wrong Nucleic Acid Designator, NUMBER OF INVALID KEYS:2
M:254 Repeated in SeqNo=304
L:15534 M:252 E: No. of Seq. differs, <211>LENGTH:Input:421 Found:419 SEQ:304
L:89521 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1784
L:89521 M:254 E: No. of Bases conflict, LENGTH:Input:60 Counted:58 SEQ:1784
L:89521 M:320 E: (1) Wrong Nucleic Acid Designator, NUMBER OF INVALID KEYS:2
M:254 Repeated in SeqNo=1784
L:89535 M:252 E: No. of Seq. differs, <211>LENGTH:Input:467 Found:465 SEQ:1784
L:123117 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:2469
L:123117 M:254 E: No. of Bases conflict, LENGTH:Input:60 Counted:58 SEQ:2469
L:123117 M:320 E: (1) Wrong Nucleic Acid Designator, NUMBER OF INVALID KEYS:2
M:254 Repeated in SeqNo=2469
L:123125 M:252 E: No. of Seq. differs, <211>LENGTH:Input:245 Found:243 SEQ:2469
L:179888 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3467
L:205509 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3913